

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Hormel HealthLabs, Inc.
(by assignment from Galagen Inc.)
Petitioner,

v.

Body Fitness Developments, Inc.,
Registrant.

Cancellation No. 92032030
Mark: PROPEPTIDE
Reg. No. 2,373,944



06-09-2003

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #22

Commissioner for Trademarks
Box TTAB
2900 Crystal Drive
Arlington, VA 22202-3513

MOTION TO SUSPEND CANCELLATION PROCEEDING

Petitioner hereby requests suspension of this cancellation proceeding pending withdrawal of the refusal of registration of Petitioner's mark and approval of Petitioner's application for registration.

In its May 14, 2003 Order, the Board approved Registrant's February 6, 2003 consented amendment of its registration and stated that if the amendment resolves the dispute, Petitioner is allowed until June 13, 2003 in which to withdraw the petition to cancel, failing which the petition will go forward on the registration as amended. However, the parties have entered into a settlement agreement which provides for withdrawal of the petition to cancel only upon acceptance of the settlement agreement by the Trademark Office, withdrawal of the refusal to register Petitioner's mark, and approval of Petitioner's application for publication. While the Board approved Registrant's amendment and Petitioner has requested resumption of action on its


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application, it is expected that these steps may not be completed by June 13, 2003. In fact, Examining Attorney Karen K. Bush issued an Office Action dated May 14, 2003 which continues the suspension of Petitioner's application pending entry of Registrant's requested amendment by the Post Registration branch.

Accordingly, Petitioner requests suspension of the cancellation proceeding until the Trademark Office withdraws the refusal to register Petitioner's mark and approves Petitioner's application for registration.

Respectfully submitted,

Dated: June 5, 2002


Counsel for Petitioner
Allen W. Hinderaker, Esq.
Merchant & Gould P.C.
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Minneapolis, MN 55402-0910

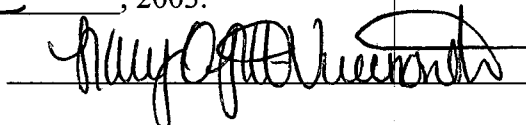
CERTIFICATE OF MAILING

I hereby certify that this MOTION TO SUSPEND CANCELLATION PROCEEDING is being deposited with the U.S. Postal Service by First Class Mail, in an envelop addressed to the Commissioner for Trademarks, Box TTAB ~~FEE~~^{FE}, 2900 Crystal Drive, Arlington, VA 22202-3513, on this 5th day of June, 2003



CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing MOTION TO SUSPEND CANCELLATION PROCEEDING was served upon the Petitioner's attorney of record, Paul M. Denk, Esq., 763 S. New Ballas Road, St. Louis, MO 63141, by depositing a copy of same in the United States mail, postage prepaid, this 5th day of June, 2003.



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A Professional Corporation

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06-09-2003
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

Mark: PROPEPTIDE
Registration No.: 2,373,944
Docket Number: 13834.3USTA
Official Gazette: August 10, 1999

Due Date: November 14, 2003
Filing Date: January 22, 1999

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Trademarks, Box TTAB, 2900 Crystal Drive, Arlington, VA 22202-3513, on June 5, 2003.

By: 

Name: Tracy O'Neil-Vucinovich

Commissioner for Trademarks
Box TTAB
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Commissioner:

We are transmitting herewith the attached:

- ☒ Return postcard.
- ☒ Transmittal Sheet in duplicate containing Certificate Under 37 C.F.R. 1.8
- ☒ Other: Motion to Suspend Cancellation Proceeding.

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate copy of this sheet is enclosed.

By: 

Name: Sandra Epp Ryan

Reg. No.: 39,667

SER:tov

(CONTESTED MATTER)